

Notice of Allowability

Application No.

10/623,370

Examiner

Joseph D. Anthony

Applicant(s)

TUCKER ET AL.

Art Unit

1714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 07/31/07 as RCE.
2. ☒ The allowed claim(s) is/are 2-9, 17-20, 35, 40, 41 and 43-45.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 08/13/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

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EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert D. Watson on 8/13/07.

The application has been amended as follows:

On page 1, line 7 of the specification (using the line numbers in the left hand column of the specification) after "09/20/2002" insert --now pending--.

In claim 9, line 1 delete "of:" and insert therefor --of by weight:--

Claim 17 (Currently Amended) A formulation for use in neutralization of a toxant, said formulation comprising:

a cationic surfactant;

a reactive compound comprising one or more compounds selected from the group consisting of hydrogen peroxide, urea hydrogen peroxide, hydroperoxycarbonate, peracetic acid, sodium perborate, sodium peroxyphosphate, sodium peroxydisulfate, and sodium percarbonate;

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a bleaching activator selected from the group consisting of O-acetyl, N-acetyl and nitrile group bleaching activators;

1-4% by weight of a polyol sorbent additive selected from the group consisting of sorbitol, mannitol, hydrogenated starch hydrolysates, maltitol, zylitol, lactitol monohydrate, anhydrous isomalt, erythritol, polydextrose [dendritic salt, polyols, urea, and potassium bromide,] and combinations thereof; and

a carbonate or bicarbonate [salt, not one of the reactive compounds;] salt;

wherein said cationic surfactant, said reactive compound, said bleaching activator, said sorbent additive, and said carbonate or bicarbonate salt, when mixed with water and exposed to the toxant, neutralizes the toxant.

Claim 35 (Currently Amended) A formulation for use in neutralization of a toxant, said formulation comprising:

at least one solubilizing compound[,] selected from the group consisting of a cationic hydrotrope and a fatty alcohol comprising from 8 to 20 carbon atoms per molecule;

a reactive compound comprising one or more compounds selected from the group consisting of hydrogen peroxide, urea hydrogen peroxide, hydroperoxycarbonate, peracetic acid, sodium perborate, sodium peroxyphosphate, sodium peroxysilicate, and sodium percarbonate;

1-4% by weight of a polyol sorbent additive selected from the group consisting of sorbitol, mannitol, hydrogenated starch hydrolysates, maltitol, zylitol, lactitol

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monohydrate, anhydrous isomalt, erthritol, polydextrose [dendritic salt, polyols, urea, and potassium bromide,] and combinations thereof; and

a bleaching activator selected from the group consisting of O-acetyl, N-acetyl and nitrile group bleaching activators;

wherein said at least one solubilizing compound, said reactive compound, said sorbent additive, and said bleaching activator, when mixed with water and exposed to the toxant, neutralizes the toxant.

In claim 40, line 10, before "a" insert --1-4% by weight--.

In claim 40, line 10, delete "comprising a sugar alcohol" and insert therefor --which is sorbitol--.

In claim 40, lines 13-14 delete "toxant; wherein the sorbent additive is sorbitol." and insert therefor --toxant.--.

Claims 11, 34 and 39 are canceled.

2. The following is an examiner's statement of reasons for allowance: Independent claims 17 and 35 were amended above to limit the sorbent additive to polyols at a concentration of 1-4% by weight and wherein the polyol is selected from the group consisting of sorbitol, mannitol, hydrogenated starch hydrolysates, maltitol, zyllitol, lactitol monohydrate, anhydrous isomalt, erthritol, polydextrose and combinations

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thereof in order to clearly overcome the prior-art of record. Applicant's sorbent species of dendritic salt, urea, and potassium bromide have thus been deleted from the sorbent Markush group because certain newly found prior-art references, if combined with the previously applied prior-art references, would render applicant's claims obvious over said sorbent species. It should be noted that newly cited Von Blucher et al. U.S. Patent Number 5,695,775, teaches decontamination formulations wherein the solvent can be selected from both fresh water as well as from sea water, see column 3, lines 1-4. When sea water is used it would read on applicant's dendritic salt (i.e. sea salt). The newly cited Purdon et al. U.S. Patent Number 6,525,237, teaches decontamination formulations wherein potassium bromide is used as an effective decontamination agent, see Example 5. Furthermore, applicant "urea" sorbent species was deleted because urea would be the inherent by-product of the decomposition of urea hydrogen peroxide if such was chosen as the reactive component. Finally, claims 34 and 39 were "canceled" since in applicant's amendment entered with the RCE, the text of these canceled claims was included which is improper according to the MPEP.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

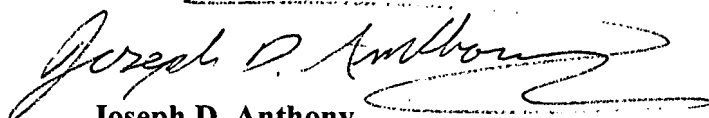
Prior-Art Cited But Not Applied

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3. Any prior-art reference which is cited on FORM PTO-892 but not applied, is cited only to show the general state of the prior-art at the time of applicant's invention.

Examiner Information

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Joseph D. Anthony whose telephone number is (571) 272-1117. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (571) 272-1119. The centralized FAX machine number is (571) 273-8300. All other papers received by FAX will be treated as Official communications and cannot be immediately handled by the Examiner.



Joseph D. Anthony
Primary Patent Examiner
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8/15/07